



Legislative Council Environment and Planning Committee

Hearing Date: 11 October 2023

Questions taken on notice

Directed to: Department of Transport and Planning

Received Date: 14 November 2023

1. **David Ettershank, page 8**

Question Asked to Phil Burn:

...So let us just take Maribyrnong township – 500 houses and it is a one-in-50-year flood, so there is still plenty of potential for it to get a lot worse and a lot more often. What would be DTP’s sense as to how you resolve those legacy assets in the Maribyrnong township? What is the advice to deal with that in the future, because shit is going to happen, isn’t it?

Response:

The Victorian Government’s Built Environment Climate Change Adaptation Action Plan (BEAAP) 2022-2026 acknowledges that legacy risks present complex challenges. BEAAP notes that for bushfire risk, they will require a mix of site and township scale planning responses in conjunction with reduction strategies from across the emergency management sector.

It is the role of state strategy and policy to provide direction on how to address legacy issues such as assets and infrastructure that don’t meet current design standards using best available climate data.

The building and planning system allows risk to be managed in existing settlements through redevelopment in line with contemporary planning provisions and building standards and best available data.

Planning controls and new initiatives are always evolving and it is a government priority to update the Victoria Planning Provisions and planning schemes using the best available data and climate science to ensure the planning and building system enables climate resilient settlements and communities.

BEAAP recognises that as climate-driven conditions change over coming decades, it is likely some land designated for development – and even some parts of urban areas and towns – cannot be sufficiently protected to safeguard residents and dwellings. For a small number of highly exposed locations, building back in the same location might pose an unacceptable

risk to life and property, irrespective of the extent of possible building and infrastructure improvement.

BEAAP includes an action to examine options to retrofit buildings to better withstand flood hazards, including retrofitting guidelines or minimum standards drawing on best-practice advice and learnings from existing Victorian Government programs.

2. **Melina Bath, page 8**

Question Asked to Andrew McKeegan:

...what is the department of transport doing to provide planning for next time when it is going to happen so that there is better real, live information so that if a road closes, they are closed, and then when they are open the website information reflects that?

Response:

During the 2022 floods, our VicTraffic website, which publishes live traffic information, experienced a high increase in usage, peaking at more than 1 million weekly sessions in mid October and was showing data relating to more than 500 individual road closures across the state.

Many of those roads were council-managed local roads. Under current arrangements, the process for inputting information relating to the closure and re-opening of local roads means that councils need to notify DTP's regions, who then input data on their behalf.

In the wake of the floods, DTP has periodically proactively contacted councils to audit a list of suspected outdated road closures. DTP is also in the process of updating the software that populates the VicTraffic website.

This update will give councils direct access to input incidents that occur on their roads. The update is expected to be active in mid 2024.

The updates will also allow for greater and quicker access to data for staff to populate reports and closures and support better route and detour planning.

3. **Melina Bath, page 8-9**

Question Asked to Andrew McKeegan:

...I am interested in how our highways and roads can be both a positive

aspect in terms of providing a natural levee but also they can be a trap for water in large flood events. I am going to use an example by someone who I think has contacted everyone on this, so I will be the one to provide that. It relates to the town of Carisbrook, and it is the Pyrenees Highway. The issue, I believe, is that there is a levee bank in a section of that town, and the Pyrenees Highway has had two culverts put through. I am being very specific, so you may need to take it on notice. I think the feeling within the community is that they will not be sufficient over time, and there is a request for a review of increasing those culverts or providing additional infrastructure to be able to remove water when it comes in in an intense state.

Response:

Central Goldfields Shire Council had built the levee with crossroad culverts near Pyrenees Hwy, Carisbrook. The levee and culverts were built following flood modelling undertaken by Council.

The Department of Transport and Planning (DTP) was involved in providing the approval for Council to work within the road reserve and construct the culverts. As part of the approval process, DTP did not need to undertake an independent assessment of the flood modelling and design of the culvert and associated works as Council is the project owner.

4. **Melina Bath, page 9**

Question Asked to Andrew McKeegan:

I guess this goes to bringing the community along – sometimes community members and communities as a whole feel that they have had a good response and other times there needs to be a closer communication between the department of transport and that community. That might be a recommendation that I put forward for our committee, but I just want you to address that in terms of the policy that the department of transport has around communication with communities – and I am speaking at this point of rural communities.

Response:

At the time of the 2022 October floods, our communication policy for response phase was governed by the Department's Strategic Communications and Engagement Emergency Management Activation Plan (SCEEMAP)

Communication for the response phase involved issuing community information and community warnings detailing incident information that was timely, relevant and tailored to assist community members make informed decisions about their safety.

This is aligned to the State Emergency Management Priorities. Community information was purely functional, and the community received information about road closures and disruptions through VicTraffic, the PTV website and Traffic Alerts.

During the emergency, communications were led by the lead agency, which in this case was the SES.

In the recovery and rebuild phase, DTP's overall communication objective is to maintain community confidence in the government's plan to respond, recover and rebuild critical road and public transport infrastructure.

DTP did this by:

- Ensuring awareness and understanding of road and public transport recovery and rebuilding activities in local communities;
- Providing opportunities for community to engage in planning, where appropriate; and
- Supporting local communities to take up new or changed transport alternatives whilst rebuilding occurs.

Importantly, communication incorporated a story-telling approach, reflecting what was happening in local communities, as relayed by local communities, or by those undertaking the recovery and rebuild work. Helping communities to understand what happened at each stage of the process, and what is involved in undertaking the work appropriately, so that infrastructure was rebuilt to be resilient to future extreme events will help to encourage acceptance of extended timeframes.

5. **Melina Bath, page 9**

Question Asked to Andrew McKeegan:

...In relation to again levees ... has the department investigated the advantages that rural levees have in protecting major arterial roads from flooding? So, bring about your comments around the importance of levees, the maintenance of levees and how they can support protecting our road infrastructure.

Response:

We're always looking at ways to improve the durability and lifespan of our road network. The major issue we face when it comes to flood damage across the network is rain infiltrating the sub-base of the roads, causing it to break down and for potholes and other damage to develop.

While levees would protect the road surface itself, our major focus has been on how we can improve drainage and other factors to protect the sub-surface levels of our roads.

6. **Melina Bath, page 10**

Question Asked to Phil Burn:

...How can you assist us to provide recommendations to government about the importance of betterment, building it back not only to the standard that it was but to sandbagging, in a term, or futureproofing from further floods? How can you direct us that you feel confident that the department of transport is mindful of this and working in the positive for our communities?

Response:

The *Planning and Environment Act 1987* (Vic) (PE Act) establishes the statutory framework for the use, development and protection of land, including planning schemes. Among the objectives of planning in Victoria is to balance the present and future interests of all Victorians. Planning schemes can, among other things, 'regulate or prohibit any use or development in hazardous areas, or areas likely to become hazardous'. The planning system allows risk to be managed in existing settlements through redevelopment in line with contemporary planning provisions and building standards, and best available data and guidance.

For manageable risks, the planning system has a role in identifying and communicating risk to land holders, and using planning controls at the subdivision and lot scale to ensure appropriate mitigation measures are built into development design requirements. Statutory planning contributes to the long-term resilience of existing settlements by applying contemporary building standards to replacement buildings.

Where new or replacement buildings are proposed the standards of the day need to be met through statutory and regulatory processes. Statutory planning referral processes to the relevant floodplain management authority (FMA) also enable use of best available flood information, especially when setting minimum floor heights above the design flood level. The FMAs in Victoria comprise 10 Catchment Management Authorities (CMAs) (including Melbourne Water) who are the technical flood experts.

Under the natural hazards and climate change State planning policy, any planning decisions must minimise the impacts of natural hazards and accommodate climate change, through risk-based planning. Decision makers are required to apply the best available climate data and science when identifying at risk areas.

7. Melina Bath, page 10

Question Asked to Andrew McKeegan:

...What is the Department of Transport and Planning doing about those other linkages? We heard about a second route and in fact a bypass of Shepparton. I am just using that as an example. What planning is being done to put that higher up the food chain in terms of priorities?

Response:

DTP actively works with local government, CMAs and local communities who lead the development of flood studies. These flood studies often consider drainage and structures in reviewing hydrological modelling and identify resilience that can be factored into future planning.

Separately, DTP works closely with CMAs when developing and planning infrastructure projects, to ensure appropriate drainage capacity is included in the designs.

The Greater Shepparton Planning Scheme has been amended to allow for the acquisition and development of a bypass for Shepparton. In a number of locations across the state, planning schemes have been amended to allow for roads and bypasses that reduce the risk of roads being flooded.

8. Ryan Batchelor, page 12

Question Asked to Phil Burn:

... I just want to touch on a little bit about my electorate, Southern Metro, particularly residents in Elwood planning around there. There are going to be some big developments in Fishermans Bend coming up. How much of that planning work is going to take into account any issues that might be associated with underlying vulnerability to flooding, particularly in that part of Melbourne, where there has historically been quite a bit of water?

Response:

The planning and building portfolio areas are important components of the broader overall response to risks posed by flood hazards. Both systems

inform decisions about new land use and development, including major urban renewal such as Fishermans Bend, so are part of the comprehensive response required to identify and manage flood hazard and risk.

The Fishermans Bend Development Board guides the planning and development of the urban renewal transformation of Fishermans Bend and is supported by the Fishermans Bend Taskforce within the Department of Transport and Planning.

The Fishermans Bend Framework (Framework) is the long term strategic plan for the development of Fishermans Bend to 2050, and is available publicly at <https://www.fishermansbend.vic.gov.au/framework>. The Framework identifies a number of environmental challenges that need careful consideration as Fishermans Bend is renewed, including flooding. Sustainability goals acknowledge that *“Fishermans Bend will need to be resilient to extreme weather events – including flooding, drought, heat waves and storm surges associated with sea level rise”* and *“Landscapes will be designed to... manage flooding”*.

The Framework includes a number of strategies relating to planning for flood including harvesting, treating and reusing stormwater to minimise flooding, maintaining enhanced flood mitigation and retaining design controls to raise habitable floor levels to avoid flooding where other mitigation measures are not possible.

9. **Samantha Ratnam, page 14**

Question Asked to Stuart Menzies:

..with C151, which identifies that there have been some process issues, is the department – and the minister ultimately – responsible as the issuing authority for a planning scheme change, either allowing it to begin and then the final approvals? Have you done any subsequent work using examples like C151 to look at how in the future those processes can be strengthened given the errors that have been made previously?

... what are you doing in the future based on examples that are now revealing that there might be some areas for improvement in the process?

Response:

Moonee Valley Planning Scheme Amendment C151 was prepared, adopted and approved through processes established under the PE Act. Like other planning scheme amendments, the technical assessment of flood risk is

ordinarily provided or verified by the relevant floodplain management authority.

DTP is constantly reviewing and improving its approach to ensure that the amendment process is based on the most up-to-date and accurate information. A key step is the authorisation process where a check is made that supporting material for a proposed amendment is adequate. The exhibition process provides for this supporting material to be scrutinised, and if it is considered by a planning panel that any expert evidence can be tested. These steps in the statutory process for a planning scheme amendment provide for greater surety in the adoption of an amendment by the relevant planning authority and approval by the Minister.

DTP's amendment process has been reviewed by the Auditor General, as well as regular internal audit processes by independent auditors or reviewers. Where areas for improvement are identified, whether by day to day assessments or independent review those matters are implemented as soon as practicable, where feasible, within the scope of the PE Act.

10. **Samantha Ratnam, page 15**

Question Asked to Andrew McKeegan:

... I will ask you if there are options for a more streamlined process, because it has been quite clear and consistent from the councils that it is not streamlined enough and it is not efficient enough to account for all the new flood mapping and modelling. We are going to have more climate disasters; we are going to have to change our system.

Response:

The planning system approach to floodplain management provides for the technical assessment of flood risk by the FMAs as referral authorities and technical flood experts.

Flood studies are prepared by FMAs and councils and rely on local flood data and knowledge. During the planning scheme amendment process to incorporate flood mapping into planning schemes, FMAs work with councils to support consultation processes.

DTP has actioned initiatives to support local government to accelerate the process for introducing flood-related planning controls into their planning schemes.

In May 2023 the Minister for Planning appointed the Flood-related amendments Standing Advisory Committee (SAC) which will provide Victorian councils with a targeted and streamlined alternative to a Planning Panel process for the review of community submissions about flood amendments. It will be available to councils that elect to request that the Minister for Planning become the planning authority for their amendment and use her powers of intervention under the PE Act to ‘fast-track’ the amendment process.

This fast-track pathway should increase certainty and is expected to cut 3-6 months from the approval timeframes compared to the standard amendment process under the Act. A standard pathway includes public exhibition, a planning panel review of unresolved submissions, a panel report with recommendations, adoption by the planning authority and submission to the Minister for Planning for approval, and also provides the potential for the council as planning authority to abandon an amendment without consultation or involvement by the Minister.

DTP has received \$4.45m in state funding to assist councils implement completed flood studies into planning schemes over the next two years and is setting up a program that will prioritise assistance to regional and rural councils. The program recognises that preparing flood related amendments can pose challenges for regional councils due to their size and complexity. The program will enable a greater level of assistance to these councils to bolster their capacity to prepare the amendments and engage with their communities.

11. **Wendy Lovell, page 15-16**

Question Asked to Andrew McKeegan:

... So what is the role that the department is doing in actually identifying future transport routes and flood-proofing those so that we do not have the damage done to the minor roads?

Response:

The Department of Transport and Planning is continuously investigating opportunities to build the resilience of the network. Building in initiatives such as utilising foam bitumen treatments and drainage improvements have provided enhanced resilience to sections of the network.

We're also continuing to research and implement new treatments on our roads. This includes trialling new products which incorporate higher levels of recycled materials such as crushed glass, crumb rubber and soft plastics. While trials of these products are ongoing, early indications are that these products can extend the durability and lifespan of our roads.

The Department is involved in regional emergency management planning and provides input and considers outcomes from flood studies conducted by Local Councils and CMAs.

12. **Wendy Lovell, page 16**

Question Asked to Andrew McKeegan:

So is the department looking at updating plans around that bypass route for Shepparton so that when we do have another event – and we will have another event – we do have a viable crossing that is above flood level and will get people into Shepparton?

Response:

The Commonwealth has announced a 90-day review of the Infrastructure Investment Program, which includes funding for the Shepparton Bypass project.

We are working closely with the Commonwealth Government and the independent reviewers in supporting the review.

The Department of Transport and Planning is continuing pre-construction work on the Goulburn Valley Road, Ford Road and Wanganui Road intersection with the final design and service relocation works to be completed before major works begin.

13. **Wendy Lovell, page 17**

Question Asked to Stuart Menzies:

Wendy LOVELL: ... those 400 that had the 'Subject to inundation' removed – of those 400, are you aware how many of those suffered flooding last year? ... Can you get that detail for us?

Response:

Melbourne Water is best placed to confirm how many of the 194 properties that had the Land Subject to Inundation (LSIO) fully or partially removed in C151 were inundated.

In Moonee Valley Planning Scheme Amendment C151 a total of 425 properties were impacted by the amendment which changed to the coverage of the LSIO on a total of 425 properties that were located across the municipality.

The amendment made the following changes to those 425 properties:

- New addition 54
- Full removal 152
- Addition to existing 95
- Partial removal 42
- Boundary change 82

14. **Rikkie-Lee Tyrrell, page 18**

Question Asked to Andrew McKeegan:

Rikkie-Lee TYRRELL: ... in regard to studies but on the side of roads now, after a flood event do you conduct any studies to have a look at how you could better roads in the future?

Response:

Flood studies are typically undertaken by local government, with support of the CMAs, and where appropriate, the Department of Transport and Planning is involved in working groups given the potential impact and opportunity that roads, culverts and bridges have in a flood event. The Department will be actively involved where the council or CMA determine a need, and in the past, there have been flood studies that have resulted in mitigation or resilience works being constructed, including installing floodways.

In addition, the Department are undertaking two projects in Loddon Mallee and Hume that will look at key freight routes, with the view to enhancing the resilience of road corridors into the future.

15. **Rikkie-Lee Tyrrell, page 18**

Question Asked Stuart Menzies:

... In your opening statement you were talking about the flood studies and the funding that is needed to have them done. Do you know roughly how much funding is required to ensure a thorough flood study is conducted? I know this is going to vary, considering the size, but just a rough amount.

Response:

The cost of flood studies is a question better directed to CMAs and DEECA. However, DTP has sought the advice of a number of CMAs and Councils in this response and it is estimated to range from \$160,000 to \$400,000 for a flood study and an estimated range of \$30,000 to \$160,000 for a council to include the flood study and provisions in the planning scheme.

16. **Gaelle Broad, page 19-20**

Question Asked to Andrew McKeegan:

... I guess are you open to looking at a more statewide planned approach, with hydrologists giving that advice – because that expectation on councils with very small budgets in some of these regional towns seems unrealistic? What are your thoughts? Are you open to doing a more statewide approach to flood planning?

Response:

If requested by the Government, the department would consider a more statewide approach. Noting that the State Government is, see response to question 10 above, already providing support to councils to accelerate the process and to implement completed flood studies into planning schemes.

At this stage, there has been no formal request from State Government to adopt a statewide amendment approach to include updated flood studies in planning schemes.

A statewide approach to managing bushfire risk through the planning and building system was adopted in response to recommendations made by the 2009 Victorian Bushfires Royal Commission.

In the building system, designated bushfire prone areas are shown on the Bushfire Prone Area (BPA) Map. The Minister for Planning makes a formal determination to designate Bushfire Prone Areas under section 192A of the *Building Act 1993*. This determination is based on a detailed review process.

The department works with local councils, emergency services and other key stakeholders to ensure the map is accurate and as up-to-date as possible. The map is reviewed twice a year. The BPA hazard mapping is reviewed every six months. The department reviews sites as requested by developers and councils where development is about to commence.

In the planning system bushfire management overlay (BMO) mapping was updated in planning schemes across Victoria on 3 October 2017, via amendment GC13. The amendment was prepared by the Minister for

Planning and ensured the bushfire hazard is accurately mapped using consistent mapping criteria. The criteria provides consistency in the way the hazard is mapped and transparency for landowners and councils on the application of the overlay.

The BMO is also reviewed every six months to ensure that mapping of the overlay remains relevant, accurate and commensurate with the level of bushfire hazard. Further information about the BPA Map and BMO reviews is available on DTP's website at [Bushfire mapping and reviews \(planning.vic.gov.au\)](http://planning.vic.gov.au)

17. **Gaelle Broad, page 20-21**

Question Asked to Andrew McKeegan:

Are you able to I guess provide that advice on what your thoughts would be with levees? Certainly in places like Bendigo there are thousands of homes that at this point are not protected, because there are breaks in the levees, so I think it would be quite relevant.

... Also we have touched on betterment, but the councils are wanting the betterment to be right at the start. They have had to wait 10 months for betterment funding. Does your department support that need for betterment funding right at the start of the process?

... Yes, in relation to roads and I guess building back infrastructure at a better standard rather than like for like, which it is under the current disaster recovery arrangements.

Response:

Questions about levees are not within DTP's scope of responsibility and DTP is not in a position to be able to comment on this. DTP respectfully suggests that these matters are better directed to floodplain management authorities and the Department of Energy, Environment and Climate Action.

Emergency Management Victoria is the state agency responsible for the DRFA and holds the relationship with the National Emergency Management Agency on the policy. The Department of Transport and Planning is not involved in negotiations of betterment programs with the Federal Government.

With respect to building back to a better standard, where possible, the Department of Transport and Planning will investigate opportunities to

enhance resilience following an emergency event, including looking at the most appropriate pavement and seal designs.

We're continuing to research and implement new treatments on our roads. This includes trialling new products which incorporate higher levels of recycled materials such as crushed glass, crumb rubber and soft plastics. While trials of these products are ongoing, early indications are that these products can extend the durability and lifespan of our roads.

18. Gaelle Broad, page 21

Question Asked to Andrew McKeegan:

...on the roads topic, the feedback I had was that roads were very quickly closed and very slow to reopen with the floods. Lots of different people seemed to be involved, and no-one took responsibility. Who is responsible for reopening roads after they have been closed in an emergency?

Response:

Under the State Emergency Management Plan, it is the incident controller who has the authority to determine whether arterial roads can be safely handed back to the Department of Transport and Planning (or local roads to councils) once the floods waters have subsided. Department staff will undertake an assessment of the arterial road (including surface or subsurface damage or wash outs) and will reopen the road when safe (including potentially with temporarily reduced speed limits). DTP will arrange for road repairs as needed, and will provide advice on the reopening following an inspection and will communicate the changes, including via VicTraffic, signage and messaging boards.

Local Government manage the assessments for local roads and provide advice to the Department when they re-open the road for publishing information on VicTraffic.

Under software updates scheduled to be rolled out on VicTraffic in early 2024, councils will have direct access to the software used for inputting road closures and re-openings, giving them greater control over information relating to local roads.